

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:11-CV-185-D

MARY GAGNIER,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration,

Defendant.

ORDER

On July 27, 2012, Magistrate Judge Webb issued a Memorandum and Recommendation (“M&R”) [D.E. 35]. In the M&R, Judge Webb recommended that the court grant plaintiff’s motion for judgment on the pleadings [D.E. 26], deny defendant’s motion for judgment on the pleadings [D.E. 31], and vacate the Commissioner’s decision and remand the case pursuant to sentence four of 42 U.S.C. 405(g). Neither party filed objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Plaintiff’s motion for judgment on the pleadings [D.E.

26] is GRANTED, defendant's motion for judgment on the pleadings [D.E. 31] is DENIED, the Commissioner's decision is vacated, and this action is REMANDED pursuant to sentence four of 42 U.S.C. 405(g). The Clerk shall close the case.

SO ORDERED. This 2 day of October 2012.


JAMES C. DEVER III
Chief United States District Judge